

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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DENZEL DORSEY,

Plaintiff,

Case No. 2:22-cv-01393-ART-BNW

V.

STATE OF NEVADA

Defendant.

## ORDER

11       Pro se Plaintiff Denzel Dorsey brings this action under 28 U.S.C. § 2255.  
12      In ECF No. 1, Plaintiff failed to include a complaint with his filing of an *in forma*  
13 *pauperis* application. In ECF No. 2, Magistrate Judge Weksler ordered Plaintiff  
14 to file a complaint by September 26, 2022. Plaintiff has not taken any  
15 subsequent action in this case in accordance with Magistrate Judge Weksler's  
16 order. (ECF No. 2). Before the Court is the Report and Recommendation ("R&R"  
17 or "Recommendation") of United States Magistrate Judge Brenda Weksler (ECF  
18 No. 3), recommending that: 1) Plaintiff's case be dismissed without prejudice;  
19 and 2) Plaintiff's *in forma pauperis* application (ECF No. 1) be denied as moot.  
20 Plaintiff had until October 25, 2022, to file an objection. To date, no objection to  
21 the R&R has been filed. For this reason, and as explained below, the Court  
22 adopts the R&R, and will take the recommended actions.

23 The Court “may accept, reject, or modify, in whole or in part, the findings  
24 or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where  
25 a party fails to object to a magistrate judge’s recommendation, the Court is not  
26 required to conduct “any review at all . . . of any issue that is not the subject of  
27 an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v.*  
28 *Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the

1 magistrate judges' findings and recommendations is required if, but *only* if, one  
2 or both parties file objections to the findings and recommendations.") (emphasis  
3 in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that  
4 the Court "need only satisfy itself that there is no clear error on the face of the  
5 record in order to accept the recommendation.").

6 Because there is no objection, the Court need not conduct de novo review,  
7 and is satisfied Judge Weksler did not clearly err. Here, Judge Weksler ordered  
8 Plaintiff to submit a complaint by September 26, 2022. (ECF No. 2). Plaintiff  
9 failed to do so. Judge Weksler therefore recommends that Plaintiff's case be  
10 dismissed without prejudice because Plaintiff failed to file the complaint. (ECF  
11 No. 3 at 1.) The Court agrees with Judge Weksler. Having reviewed the R&R and  
12 the record in this case, the Court will adopt the R&R in full.

13 It is therefore ordered that Judge Weksler's Report and Recommendation  
14 (ECF No. 3) is accepted and adopted in full.

15 It is further ordered that Plaintiff's *in forma pauperis* application (ECF No.  
16 1) be denied as moot.

17 It is further ordered that this case be dismissed without prejudice.

18 The Clerk of Court is respectfully directed to close this case.

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20 DATED THIS 18<sup>th</sup> Day of July 2023.

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24 ANNE R. TRAUM  
25 UNITED STATES DISTRICT JUDGE  
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